

In the Matter of :

Innovation in the Broadcast Television Bands:

Allocations, Channel Sharing and Improvements to VHF

Proceeding No. 10-235

Comments of Andrew J. Ginter

Ladies and gentlemen of the FCC:

I'm writing this to express my great displeasure at this attempt by the FCC to remove yet another block of channels from broadcast television and allocate it for other purposes. The broadcast television allotments were cut back once again at the time of the "digital transition". Due to the removal of the channels 52 and up, many markets are already overcrowded. For example, channel 40 is licensed to 3 low power stations in the Chicago market area alone.

The commission seems intent on the further butchering of digital television, at a time when it is truly in its infancy. It seems to me that you are trying to completely destroy any innovation in the broadcast television bands, possibly even destroying some that has taken place like free HDTV, while promoting innovation in broadband and wireless services, and the high probability of forcing television viewers to subscription based television services if broadcast television is forced back into the quagmire that is VHF. Broadcast television, if available to anyone, should be available to everyone, and not just a lifeline service for "seniors and the very poor".

I also feel I must address the assumption that very few people watch broadcast television. These estimates always seem to only cover those that watch broadcast television exclusively. Seemingly absent from any estimates are the viewers who use an antenna to obtain their local channels for free to compliment their subscription service. Or, perhaps, they actually augment their available local stations with a subscription service. Either way, they get HD local channels that otherwise would be compressed by their provider (if available at all) and they are charged for that privilege. They also receive low power stations that they wouldn't get at all, and also receive the sub channels the subscription services seldom provide. Failure to include these viewers in any estimation of total broadcast viewers is truly doing a great disservice to them, and falsely reduces the actual viewer levels.

Snow-free picture, free high definition television, and multiple streams were the big selling points to viewers during the digital transition. Some broadcasters send out several sub channels, while some

broadcasters wish to broadcast a single, beautiful high definition picture, and shouldn't be punished by or subjected to further regulation from the FCC for this. I feel that these quality/quantity issues are business decisions to be made by the broadcaster. I personally have experience watching two stations that focus on broadcasting a single, high-quality high definition feed (WBBM, WFLD). They look and sound remarkable on a friend's HDTV. One station I receive (WLS) is broadcasting two 720p high definition feeds and one standard definition feed. At times, I can only describe the second HD feed as blur-o-vision. It's hard to watch, even on an older CRT television. At times, it appears as if someone made the picture out of Lego bricks. Again, I think that this is a business decision, and it's their decision to make. But, I guess, as far as the Chairman is concerned, their "boxcar" is filled. The Commission seems to be saying that everyone should be multicasting, or providing other services such as Mobile DTV, period. Even a single, high-quality HD feed seems to be totally out of the question. It is very disappointing that this idea, USE IT OR LOSE IT, isn't applied to the other bands. If it were, how much spectrum could be much more readily available from other sources?

I have seen stations that broadcast a single standard definition feed. Again, I think it is a business decision. It is the highest quality SD available, and this is noticeable to the viewer. Would this station want to voluntarily share a channel with another? Perhaps. Would there be stations willing to share with it? This is less likely. Would these stations be able to cover each of their intended service areas? This is even less likely. Would there be anything, such as in a case of 3 LP stations channel sharing, as perhaps a special Super-LP 50 KW UHF license with unlimited antenna height to maintain each station's service area is protected? This is even much less likely. Unless stations with exact or nearly exact coverage areas share, large amounts of viewers will be alienated. This is especially true of stations that cater to smaller ethnic groups and carry specialty or very regional programming. It would not make sense for stations that carry Korean, Polish, and Spanish programming to share a channel, and to broadcast only in the Korean station's coverage area when the three stations' service areas aren't the same.

Only a handful of television markets seem to truly desire to use the VHF bands, and if it works for those broadcasters, fantastic. In many markets, broadcasters have left the VHF bands like they were running from a tornado, and if they could get away from it, they surely wouldn't want to go back. Raising maximum ERP limits for VHF television seems to be a step in the right direction. Great care must be taken not to create more interference and disenfranchise more viewers than are being helped. VHF issues seemingly can be improved, but not truly fixed entirely. Most indoor antennas are very poor performers when it comes to receiving a VHF signal. Many outdoor VHF antennas are the size of a large car. I really don't think any power boost will help reduce electrical interference from running a blender in another room, a neighbor vacuuming next door in an apartment complex, or lightning. I will state that the 2 VHF channels I receive (WLS, RF 7 and WBBM, RF 12) are just about worthless to get severe weather information from during a Midwestern thunderstorm due to breakups. (WLS has fought VHF valiantly, and is permanently moving to UHF, while WBBM is seeking a UHF

translator.)

It also seems that no government official can be brought to understand that there is a major recession taking place. Here in the real world, where we can't print stacks of money to solve our problems, it's very apparent. Securing financing for any business or industry is difficult to come by, even with a solid business model and a sound financial history. This surely has to be a reason for many stations not multicasting that intended to do so, and many LP's not converting to digital. Programming and equipment costs money, and that money has been hard to come by for the last few years, still is today, and may be so for the foreseeable future.

This also brings up the questions: Why now?, Why so soon?. During this recession, perhaps the FCC would be able to purchase broadcast licenses at somewhat distressed prices. 120 MHz or more is proposed for removal from UHF television. In such a large quantity, logic states that this "beachfront property" of vacated television spectrum would be available at "fire sale" prices. Subscription television services are losing viewers. This would be an economic boost for them as well. It is also quite curious that this is such a pressing issue when much of the previously sold spectrum that was available for broadband and wireless devices (formerly TV channels 52-69) has yet to be built out.

Chairman Genachowski constantly lectures to all that will listen that if this spectrum isn't obtained today that this "...spectrum crunch threatens to create millions of dissatisfied customers, who, ...will be forced to choose between poor service and higher prices." and similar clamoring. As a consumer, I surely don't see the promise of lower prices and/or better service if this spectrum is allocated to broadband and wireless purposes. What I do see is the threat of higher prices from pay television services if more broadcast spectrum is removed, and an absolute win-win situation financially for bundled service providers, while spectrum would be removed from public service.

It is extremely premature so soon after the shutdown of full power analog stations to discuss stripping more spectrum from broadcast television. It's just as premature to think that all broadcasters should be reaching their full potential at this time. I'm all for looking toward the future, but unwilling to abandon the present day, or forget the past in doing so. It is true that only a finite amount of spectrum exists. If some of the Commission's theories about our country's broadband demands hold true, it would seem that no amount of spectrum will ever be enough to serve that purpose. The other side of the coin is the possibility of wireless and broadband providers sitting with their "boxcars" empty as well.

If ten million viewers tune into a single broadcast station, the viewers will never overload the system, won't face rationing or reduction of services, or reduction of the quality of service. Nothing proposed for these bands can promise this level of service, and they sure won't offer it free of charge to the end

consumer.

Broadcast television provides local news, weather, community, children's, educational, foreign language, and specialty programming options that really aren't available elsewhere. The Emergency Alert System, Amber Alerts, and vital information in the event of a local, national, weather, or other emergency is readily available from broadcast television. Closed Captioning services are available for the hearing impaired, and for translating languages. Digital television does have a big learning curve, but, speaking for myself, the rewards are well worth it. I personally have no complaints regarding my options when it comes to digital television, the public services it provides, and the information I receive from it, and I eagerly await the future innovations involved with television's use of its spectrum.

In closing, I propose the following:

1. Place no less than a 5 year moratorium on removing any spectrum from broadcast television from the date that the digital transition is actually completed. Again, it hasn't been completed yet. Broadcasting needs time to develop efficient use of its spectrum, and the threat of removing more of that spectrum is surely hampering that development.
2. Remove restrictions (if any) on new digital license applications. Approve/deny current applications based on current FCC guidelines in a timely fashion. Don't lock the doors to underserved communities and open allotments while you debate policy.
3. Consider altering rules to make all stations broadcast at least five hours per month spread over two or more non-consecutive days, and at least 60 hours per year (or more). This will weed out the true spectrum abusers and license holders that have little or no intention of broadcasting and really have the intention of doing the bare minimum to maintain possession of their license. Many of these "boxcars" aren't just empty, their doors are locked, and are not even sitting on the rails. This, in my opinion, would be a better enforcement of the use it or lose it idea.
4. Do not attempt another "transition" at this time. Broadcasters, viewers, and the Federal Government-which will almost assuredly have to cover part of the bill again-can't afford it, and better technology will almost surely evolve in a few short years. These "transitions" are not something we should be doing every couple of years.
5. Do not cripple the television bands with "channel sharing". There is little or no incentive being given to the broadcaster that would share a channel with another. Stations may be forced from their intended service areas if this takes place. Channel sharing would only negatively affect the television viewer with diminished picture quality, fewer viewing options, and the high probability of expensive

high definition equipment being rendered useless.

As a broadcast television viewer, I thank you for allowing me to comment on these issues pertaining to proceeding 10-235.

Sincerely,

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